
SECTION II – RULES GOVERNING COMPETITION

A. INTRODUCTION

The purpose of competitive bidding is to achieve public objectives in the most value-effective manner while avoiding the possibilities of graft, fraud, collusion, etc. Competitive bidding is designed to benefit the State and is not necessarily designed for the benefit of Bidders. It is administered to accomplish its purposes with sole reference to the public interest. It is based upon full and free bidding to satisfy State specifications, or acceptance by the State of the most value-effective solution to the State's requirements, as determined by the evaluation criteria contained in the Request for Proposal (RFP).

B. IDENTIFICATION AND CLASSIFICATION OF RFP REQUIREMENTS

Section II of this RFP describes the entire procurement process. Specific guidelines for the submission of responses to this RFP are found in Section VIII - Proposal Format.

1. Mandatory Requirements

The State has established certain requirements with respect to Proposals to be submitted by prospective Bidders.¹ The use of "shall," "must," or "will" in this RFP indicates a requirement or condition that is mandatory. A deviation, if not material, may be waived by the State. A deviation from a requirement is material if the response:

- Is not in substantial accord with the RFP requirements,
- Provides an advantage to one Bidder over other Bidders, or
- Has a potentially significant effect on the delivery, quantity, or quality of items bid,² amount paid to the Bidder, or cost to the State.

Material deviations cannot be waived.

2. Desirable Items

The words "should" or "may" in this RFP indicate desirable attributes or conditions, but are not mandatory.

C. PROPOSAL REQUIREMENTS AND CONDITIONS

1. General

This RFP, the evaluation of responses, and the award of any resulting contract shall be made in conformance with current competitive bidding procedures related to the procurement of information technology goods and services by the State of California. A Bidder's Final Proposal is an irrevocable offer and is valid for 180 calendar days following the scheduled date for the Contract Award as set forth in Section I.F - Key Action Dates. A Bidder may extend the offer in the event of a delay of Contract Award.

¹ For the purposes of the instructions of this RFP, all entities that have identified their intent to be a Bidder to the Department Official are called "Bidder" until such time that the Bidder withdraws or other facts indicate that the Bidder has become nonparticipating.

² The word "bid," as used throughout this document, is intended to mean "proposed," "propose," or "Proposal" as appropriate.

2. RFP Documents

This RFP includes the State's requirements and instructions that prescribe the format and content of Proposals that are submitted in response to the RFP. The State's contract has been identified in Appendix A–State Contract.

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify the Department Official identified in Section I.D - Department Official, of such error in writing and request modification of the document. Modifications will be made by addenda issued pursuant to Section II.C.3.c - Addenda. Such modifications shall be provided to all parties that have identified themselves as Bidders to the Department Official for this RFP, without divulging the source of the request. Insofar as practicable, the State will give such notices to other interested parties.

If this RFP contains an error known to the Bidder, or an error that reasonably should have been known, the Bidder shall propose at its own risk. If the Bidder fails to notify the State of the error prior to the date specified for submission of Proposals, and is awarded the contract, the Bidder shall not be entitled to additional compensation or time by reason of the error or its later correction.

3. Examination of the Work

The Bidder should carefully examine the entire RFP and any addenda thereto, and all related materials and data referenced in this RFP or otherwise available to the Bidder, and should become fully aware of the nature and location of the work, the quantity of the work, and the conditions that affect the performance of the work. Specific conditions to be examined are listed in Section V - Administrative Requirements, and Section VI - Project Management, Business, and Technical Requirements.

a. Questions Regarding the RFP

Bidders requiring clarification of the intent or content of this RFP or on procedural matters regarding the competitive proposal process may request clarification by submitting written questions, in an email or envelope clearly marked "Questions Relating to RFP SOS 0890-46" to the Department Official listed in Section I.D - Department Official. To ensure a response prior to submission of the Proposals, questions must be received by the Department Official, in writing, by the scheduled date(s) in the Key Action Dates paragraph specified in Section I.F - Key Action Dates. If a Bidder submits a question after the scheduled date(s) the State will attempt to answer the question but does not guarantee that the answer will be provided prior to the Proposal due date. Question and answer sets will be provided to all Bidders. The State will publish the questions as they are submitted including any background information provided with the question; however, the State at its sole discretion may paraphrase the question and background content for clarity.

b. Request to Change the Requirements of the RFP

If the Bidder believes that one or more of the RFP requirements is onerous, unfair, or imposes unnecessary constraints on the Bidder in proposing less costly or alternate solutions, the Bidder may request a change to this RFP by submitting, in writing, the recommended change(s) and the facts substantiating this belief and reasons for making the recommended change. Such request must be submitted to the Department Official by the date specified in Section I.F - Key Action Dates, for requesting a change in the requirements.

c. Addenda

The State may modify the RFP prior to the date fixed for Contract Award by issuing addenda. Addenda will be available to all Bidders that have identified their intent to be a Bidder to the

Department Official. Addenda will be numbered consecutively. If a Bidder believes that an addendum unnecessarily restricts its ability to propose, the Bidder is allowed five (5) working days to submit a protest to the addendum according to the instructions contained in Section II.E.1 - Protests.³ If an addendum is issued after the date and time specified in Section I.F - Key Action Dates for the Last Day to Protest RFP, only those items that are in the RFP that are changed by the addendum may be protested.

d. Bonds

A performance bond is required for this procurement, as specified in Section V - Administrative Requirements. The State reserves the right to require a performance bond or other security document as specified in the RFP from the bidder in an amount not to exceed the amount of the contract. In the event a surety bond is required by the State, which has not been expressly required by the specification, the State will reimburse the Bidder, as an addition to the purchase price, in an amount not exceeding the standard premium on such bond.

e. Follow-on Contracts (PCC 10365.5, PCC 10410, and PCC 10411)

No person, firm, or subsidiary thereof who has been awarded a consulting services contract, or a contract that includes a consulting component, may be awarded a contract for the provision of services, delivery of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate as an end product of the consulting services contract. Therefore, any consultant who contracts with a State agency to develop formal recommendations for the acquisition of IT products or services is precluded from contracting for any work recommended in the formal recommendations (formal recommendations include, among other things, feasibility studies).

D. BIDDING STEPS

1. General

The procurement process to be used in this acquisition is composed of at least one phase of bid development. They are Draft Proposal and Final Proposal. The Final Bid is a mandatory step for all bidders; all other steps are optional. However, all bidders are strongly encouraged to follow the scheduled steps of this procurement to increase the chance of submitting a compliant Final Bid. **Cost submitted in any submission other than the Final Bid may preclude the bidder from continuing in the process.**

2. Preparation of Proposals

Exhibit II.A - Competitive Bidding and Bid Responsiveness, located at the end of Section II, emphasizes the requirements for competitive bidding and contains examples of common causes for rejection of Proposals. Bidders are encouraged to review this exhibit. Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of the Bidder's compliance with the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc., are not necessary or desired. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

³ If an addendum is issued after the date and time specified in Section I.F, Key Action Dates for "Last Day to Protest RFP," only those items in the RFP that are changed by the addendum may be protested.

Before submitting the Proposal, the Bidder should carefully read the Proposal for errors and adherence to the RFP requirements.

3. Bidders' Conference

A Bidders' Conference will not be held for this procurement.

4. Bidder's Intention to Submit a Proposal

Bidders who want to participate in the RFP process are encouraged to submit a Letter of Intent to Bid on this procurement in order to receive bid process notifications from the State. The Bidder's Intention to Submit a Proposal should identify the Bidder's contact person for the solicitation process and the contact person's phone number, fax number, and e-mail address. The State will notify one contact person per Bidder. It shall be the Bidder's responsibility to immediately notify the Department Official listed in Section I.D, in writing, regarding any revisions to the contact information. The State offers no assurances that correspondence regarding the Proposal will be given to a Bidder who fails to notify the State, in writing, of any revisions.

To ensure they remain on the State of California's official list of participating Bidders, Bidders should return the Bidder's Intention to Submit a Proposal (Exhibit I.A) to the Department Official listed in Section I.D - Department Official. If the Letter is not submitted by the date specified in Section I.F - Key Action Dates or the Bidder does not participate in a bid step, the State may drop the Bidder from the participating Bidder list. The Bidder should attach to the Bidder's Intention to Submit a Proposal (Exhibit I.A) and a completed Confidentiality Statement (Exhibit I.C).

5. Draft Proposals

Submission of a Draft Proposal is strongly recommended so that the Bidder may obtain the benefit of the multi-step procurement process. However, Bidders are not required to submit a Draft Proposal. If Draft Proposals are submitted, Bidders must submit them by the date and time specified in the Key Action Dates in Section I.F. The Draft Proposals should be complete in all respects except that dollar cost information must be replaced by "XXXs".

A cover letter (which shall be considered an integral part of the submission) shall be submitted as part of the Draft Proposal by an individual(s) who is authorized to bind the bidding firm contractually. The signature block must indicate the title(s) or position(s) that the individual(s) holds in the firm. The cover letter submitted with the Draft Proposal need not contain the signature(s).

At the sole discretion of the State, the State may review each Draft Proposal received by the Draft Proposal submission date in the Key Action Dates specified in Section I.F. A Draft Proposal may not be fully reviewed if the State determines that it is so defective that issues cannot be corrected prior to the Final Proposal due date, or if the Bidder has placed conditions in the Draft Proposal that are unacceptable to the State. Bidders submitting Draft Proposals that are reviewed will be notified of areas that may not be fully compliant with the requirements of the RFP. Draft Proposals received late may be reviewed if the Department Official believes there is enough time and resources to do so.

The process of notifying the Bidder of defects in the Draft Proposal is intended to minimize the risk that the Final Proposal will be deemed non-compliant with the RFP; however, **the State will not provide any assurance that all defects have been detected and that such notification will not preclude rejection of the Final Proposal if such defects are later found.**

6. Draft Proposal Confidential Discussions

The State may conduct Confidential Discussions with Bidders submitting Draft Proposals that have been reviewed by the State. The State may discuss areas of the Bidder's Draft Proposal

that may not be fully compliant with the requirements of the RFP. As stated above, addenda to the RFP may result from the Confidential Discussions.

Oral statements made by any party during Confidential Discussions shall not be binding.

7. Final Proposals

a. Submission of Final Proposal

Proposals must be complete in all respects as required by Section VIII - Proposal Format. A Final Proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. A Final Proposal shall be rejected if any such defect or irregularity constitutes a material deviation from the RFP requirements.

The Final Proposal must contain all costs required by Section VII - Cost Tables and Section VIII - Proposal Format. Cost data, including any electronic copies (as identified in Section VIII - Proposal Format) must be submitted under separate, sealed cover. If the cost data are not submitted under separate sealed cover, the Proposal may be rejected.

Section II.D.7 - Final Proposals describes specific guidelines applicable to the submission of the Final Proposal to the RFP. If the Final Proposals are declared to be Draft Proposals as described in Section II.D.7.h - Flawed Final Proposals, then all guidelines described in these sections are also applicable to subsequent Final Proposals.

b. Bidder's Costs

Costs for developing any Proposals are entirely the responsibility of the Bidder and shall not be chargeable to the State.

c. Proposal Responsiveness

Exhibit II-A - Competitive Bidding and Bid Responsiveness emphasizes the requirements of competitive bidding and contains examples of common causes for rejection of Proposals. Bidders are encouraged to review this exhibit.

d. False or Misleading Statements

Proposals that contain false or misleading statements or that provide references that do not support an attribute or condition claimed by the Bidder may be rejected. If, in the sole opinion of the State, such information was intended to mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP, it will be the basis for rejection of the Proposal.

e. Proposal Signature

A cover letter (which shall be considered an integral part of the Final Proposal) and Standard Agreement Std. 213 shall be signed by an individual who is authorized to bind the bidding firm contractually. The signature block must indicate the title or position that the individual holds in the firm. **An unsigned Final Proposal shall be rejected.**

f. Delivery of Proposals

The Final Proposal must be submitted no later than the date and time specified in the Key Action Dates in Section I.F. If mailed or delivered, Proposals must be received by the Department of General Services on, or before, the specified date and time. Proposals must be mailed or delivered to the Department of General Services Department Official listed in

Section I.D. - Department Official. If mailed, it is suggested that the Bidder use certified or registered mail with "return receipt requested" as delivery of Proposals is done at the Bidder's own risk of untimely delivery, lost mail, etc. E-mailed or faxed proposals are not acceptable.

Proposals must be received in the number of copies stated in Section VIII - Proposal Format. One (1) copy must be clearly marked "Master Copy." All copies of Proposals must be under sealed cover, which is to be plainly marked "FINAL PROPOSAL for RFP SOS 0890-46." **Final Proposals not received by the date and time in the Key Action Dates specified in Section I.F shall be rejected.**

As required in Section VIII - Proposal Format, all cost data must be submitted under separate, sealed cover and clearly marked COST DATA for RFP SOS 0890-46. If cost data is not submitted separately and sealed, the Proposal may be rejected. Proposals that are submitted under improperly marked covers may be rejected. If discrepancies are found between two or more copies of the Proposal, the Proposal may be rejected. However, if not rejected, the Master Copy will be the basis for resolving discrepancies.

g. Withdrawal and Resubmission/Modification of Proposals

A Bidder may withdraw its Final Proposal at any time prior to the Proposal submission date and time specified in Section I.F - Key Action Dates by submitting a written notification of withdrawal signed by the Bidder authorized in accordance with Section II.D.7.e - Proposal Signature. The Bidder may, thereafter, submit a new or modified Proposal prior to the Proposal submission date and time specified in the Key Action Dates in Section I.F. Modification to the Proposal that are offered in any other manner, oral or written will not be considered. Final Proposals cannot be changed or withdrawn after the date and time designated for receipt, except as provided in Section II.D.8.c - Errors in the Final Proposal.

h. Flawed Final Proposals

At the State's sole discretion it may declare all Final Proposals to be Draft Proposals in the event that the State Evaluation Team determines that Final Proposals from all Bidders contain material deviations. Bidder may not protest the State Evaluation Team's determination that all Proposals have material deviations. If all Proposals are declared noncompliant, and the State decides to continue with the procurement, the State will issue an addendum to the RFP and confidential discussions will be held with Bidders who are interested in submitting a Final Proposal. Each Bidder will be notified of the due date for the submission of a new Final Proposal to the State. This submission must conform to the requirements of the original RFP, and as amended by any subsequent addenda. The new Final Proposals will be evaluated as required by Section IX – Evaluation and Selection.

i. Confidentiality

Final Proposals are public upon opening; however, the contents of all Final Proposals, including correspondence, agenda, memoranda, or any other medium that discloses any aspect of a Bidder's Final Proposal shall be held in the strictest confidence by the State until the Notice of Intent to Award has been issued.

Bidders should be aware that marking any portion of a Draft or Final Proposal as "confidential," "proprietary," or "trade secret" may exclude it from evaluation or consideration for award, unless specifically approved by the State in writing prior to submission of the Draft, or Final Proposal. Such markings in a Proposal will not keep that document, after Notice of Intent to Award, from being released as part of the public record, unless a court of competent jurisdiction has ordered the State not to release the document. However, materials the State considers, in its sole opinion, to be confidential information (such as confidential financial information submitted to show Bidder responsibility) will be returned upon the request of the Bidder.

Any disclosure of State confidential information by the Bidder is a basis for rejecting the Bidder's Proposal and ruling the Bidder ineligible to further participate. Maintaining the confidentiality of information that is designated as confidential by the State is paramount: it cannot be over emphasized.

j. Sealed Cost Openings

Final Proposals will not have their sealed cost envelopes opened until the State has evaluated and scored the technical and administrative submission. Cost Proposals will only be opened for responsive Proposals from responsible Bidders. On the date of the cost opening, the State will post a summary of the points awarded to each Bidder. This summary will be provided to all the Bidders and the public in attendance at the cost opening as well as persons who request the summary.

8. Rejection of Proposals

The State may reject any or all Proposals and may waive any immaterial deviation or defect in a Proposal. The State's waiver of any immaterial deviation or defect shall in no way modify the RFP documents or excuse the Bidder from full compliance with the RFP specifications, if awarded the contract.

a. General

Final Proposals will be evaluated according to the procedures contained in Section IX - Evaluation and Selection.

b. Evaluation Questions

During the Proposal Evaluation process, the State may require a Bidder's representative to answer specific questions and provide clarifications in writing.

c. Errors in the Final Proposal

An error in the Final Proposal may cause the rejection of that Proposal; however, the State, in its sole discretion, may retain the Proposal and make certain corrections. In determining if a correction will be made, the State will consider the conformance of the Proposal to the format and content required by the RFP, and any unusual complexity of the format and content required by the RFP.

The State, in its sole discretion, may correct obvious clerical errors. The State, in its sole discretion, may correct discrepancies and arithmetic errors on the basis that, if intent is not clearly established by the complete Proposal submittal, the Master Copy shall have priority over additional copies; the Master Copy narrative shall have priority over the cost sheets. If necessary, the extensions and summary will be recomputed from the lowest level of detail, even if the lowest level of detail is obviously misstated. The total cost of unit-price items will be the multiplication of the unit price times the quantity of the item. If the unit price is ambiguous, unintelligible, uncertain for any cause, or is omitted, it shall be the amount obtained by dividing the total cost by the quantity of the item.

If a Bidder does not follow the instructions for computing costs not related to the contract (e.g., State personnel costs), the State may reject the Proposal, or in its sole discretion, re-compute such costs based on instructions contained in the RFP.

The State may, at its sole option, correct errors of omission and, in the following three situations, the State will take the indicated actions if the Bidder's intent (as determined by the State) is not clearly established by the complete Proposal submittal:

1. If an item is described in the narrative and omitted from the cost data provided in the Proposal for evaluation purposes, it will be interpreted to mean that the item will be provided by the Bidder at no cost.
2. If an item is not mentioned at all in the Proposal, the Proposal will be interpreted to mean that the Bidder does not intend to supply that item.
3. If an item is omitted, and the omission is not discovered until after contract award, the Bidder shall be required to supply that item at no cost.

It is absolutely essential that Bidders carefully review the cost elements in their Final Proposals.

In the event that an ambiguity or discrepancy between the general requirements described in Section IV - Proposed System Business Processes, and the specific functional and non-functional requirements set forth in Section VI - Project Management, Business and Technical Requirements, is detected after the opening of Proposals, Section VI - Project Management, Business and Technical Requirements, and the Bidder's response thereto, shall have priority over Section IV - Proposed System Business Processes, and the Bidder's response thereto.

9. Contract Award

Award of contract, if made, will be in accordance with Section IX - Evaluation and Selection, to a responsible Bidder whose Final Proposal complies with the requirements of the RFP and any addenda thereto, except for such immaterial defects as may be waived by the State. Award, if made, will be made within 180 calendar days after the scheduled date for the Contract Award as set forth in Section I.F - Key Action Dates, unless a protest is received. If a protest is received, the Award, if made, will be made within 180 calendar days after the protest is resolved.

The State reserves the right to modify or cancel, in whole or in part, its RFP prior to Contract Award.

10. Debriefing

A debriefing will be held after Contract Award at the request of any Bidder for the purpose of receiving specific information concerning the evaluation. The confidential debriefing will be based primarily on the technical and cost evaluations of the Bidder's Final Proposal. A debriefing is not the forum at which to challenge the RFP specifications or requirements.

E. OTHER INFORMATION

1. Protests

Protests shall be submitted according to the procedure below.

Protest regarding any issue other than selection of the successful Bidder are "requirements protests" and will be heard and resolved by the Deputy Director of the Department of General Services, Procurement Division, whose decision will be final. Before a requirements protest is submitted, the Bidder must make full and timely use of the procedures described in Section II.C.3.a - Questions Regarding the RFP and Section II.C.3.b - Request to Change the Requirements of the RFP, to resolve any outstanding issue(s) between the bidder and the State. The procurement procedure is designed to give the Bidder and the State adequate opportunity to submit questions and discuss the requirements, proposals and counter proposals before the Final Bid is due. The requirements protest procedure is made available in the event that a Bidder cannot reach a fair agreement with the State after exhausting these procedures.

An "award protest" is where a Bidder has submitted a Final Proposal that it believes to be totally responsive to the requirements of the RFP, to be the bid that should have been selected according to the evaluation procedure in the Section IX - Evaluation and Selection, and where the Bidder believes the State has incorrectly selected another Bidder for award. For this situation, the Bidder may submit a protest of the selection as described below. Protests regarding selection of the "successful Bidder" will be heard and resolved by the Victims Compensation and Government Claims Board, whose decision will be final.

All protests must be made in writing, signed by an individual authorized under Section II.D.7.e - Proposal Signature, and contain a statement of the reason(s) for protest; citing the law, rule, regulation or procedures on which the protest is based. The protester must provide facts and evidence to support the claim. Protests must be mailed or delivered to:

Street Address:	Mailing Address:
Deputy Director	Deputy Director
Procurement Division	Procurement Division
707 Third Street, 2 nd Floor	P.O. Box 989052
West Sacramento, CA 95605	Sacramento, CA 95798-9052

All protests to the Invitation for Bid (IFB)/RFP requirements or procedures must be received by the Deputy Director of the Procurement Division as promptly as possible, but not later than the respective time and date in the Key Action Dates in Section I.F for such protests. Protests concerning the evaluation, recommendation, or other aspects of the selection process must be received by the Deputy Director of the Procurement Division as promptly as possible, but not later than the respective time and date specified in Section I.F for such protests or the respective date of the Notification of Intent to Award, whichever is later. Certified or registered mail should be used unless delivered in person, in which case the protester should obtain a receipt of delivery.

2. News Releases

News releases or any publications relating to a contract resulting from this RFP shall not be made without **prior written approval** of the Department Official listed in Section I.D - Department Official.

3. Disposition of Proposals

All materials submitted in response to this RFP upon submission are the property of the State of California and will be returned only at the State's option and at the Bidder's expense. At a minimum, the Master Copy of the Final Proposal shall be retained for official files and will become a public record after the Notification of Intent to Award as specified in Section I.F - Key Action Dates. However, materials the State considers, in its sole opinion, to be confidential information (such as confidential financial information submitted to show Bidder responsibility) will be returned upon the request of the Bidder.

EXHIBIT II.A - COMPETITIVE BIDDING AND BID RESPONSIVENESS

Competitive bidding is not defined in any single statute but is conducted based upon a compendium of numerous court decisions. From such court decisions, the following rules have evolved, among others:

1. The RFP must provide a basis for full and fair competitive bidding among Bidders on a common standard, free of restrictions that would tend to stifle competition.
2. The State may modify the RFP, prior to the date fixed for Contract Award, by issuance of an addendum to all parties who are Bidders.
3. To be considered a valid Proposal, the Proposal must respond and conform to the invitation, including all the documents that are incorporated therein. A Proposal that does not literally comply may be rejected.
4. In order for a bid to be rejected for a deviation, the deviation must be deemed to be of a material nature.
5. State agencies have the express or implied right to reject any and all Proposals in the best interests of the State. Proposals cannot, however, be selectively rejected without cause.
6. Proposals cannot be changed after the time designated for receipt and opening thereof. No negotiation as to the scope of the work, amount to be paid, or contractual terms is permitted. However, this does not preclude the State from clarifying the Bidder's intent by asking questions and considering the answers.
7. A competitive Proposal, once opened, is in the nature of an irrevocable option and a contract right of which the public agency cannot be deprived without its consent, unless the requirements for rescission are present. All Proposals become public documents.
8. Proposals cannot be accepted "in part," unless the invitation specifically permits such an award.
9. Contracts entered into through the competitive bidding process cannot later be amended, unless the RFP includes a provision, to be incorporated in the contract awarded, providing for such amendment.

Since competitive procurement became the required method for securing certain IT goods or services, the State has received a number of proposals that were deemed to be non-responsive to the requirements of a Request for Proposals (RFP) or that could not be considered valid proposals within the competitive bidding procedures. Non-responsive proposals or proposals that contain qualification statements or conditions must be rejected. Many of the causes for rejection arise from either an incomplete understanding of the competitive bidding process or administrative oversight on the part of the Bidders. The following examples are illustrative of additional common causes for rejection of proposals. These examples are listed solely to assist potential Bidders in submission of responsive proposals, and should not be considered an exhaustive list of all potential reasons for rejection.

1. A proposal stated, "The prices stated within are for your information only and are subject to change."
2. A proposal stated, "This proposal shall expire ninety (90) days from this date unless extended in writing by the _____ Company." (In this instance award was scheduled to be approximately 90 days after the proposal submittal date.)
3. A proposal for lease of IT equipment contained lease plans of a duration shorter than that requested in the RFP.
4. A personal services contract stated, "_____, in its judgment, believes that the schedules set by the State are extremely optimistic and probably unobtainable. Nevertheless, _____ will exercise its best efforts..."

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5. A proposal stated, "This proposal is not intended to be of a contractual nature."
 6. A proposal contained the notation "prices are subject to change without notice."
 7. A proposal was received for the purchase of IT equipment with unacceptable modifications to the Purchase Contract.
 8. A proposal for lease of IT equipment contained lease plans of a duration longer than that which had been requested in the RFP with no provision for earlier termination of the contract.
 9. A proposal for lease of IT equipment stated, "...this proposal is preliminary only and the order, when issued, shall constitute the only legally binding commitment of the parties."
 10. A proposal was delivered to the wrong office.
 11. A proposal was delivered after the date and time specified in the RFP.
 12. An RFP required the delivery of a performance bond covering 50 percent of the proposed contract amount. The proposal offered a performance bond to cover "x" dollars, which was less than the required 50 percent of the proposed contract amount.
 13. A proposal did not meet the contract goal for Disabled Veterans Business Enterprise (DVBE) participation and did not follow the steps required by the proposal to achieve a "good faith effort."
 14. A proposal appeared to meet the contract goal for DVBE participation with the dollars submitted, but the bidder had miscalculated the proposal costs. When these corrections were made by the State, the bidder's price had increased and the dollars committed for DVBE participation no longer met the goal. The bidder had not followed the steps to achieve a "good faith effort."